



## **Overlay Districts**

---

# **Article VII**

## **Fort Mill Unified Development Ordinance**

---

## Section 7.1 General Purpose and Scope

---

- A. **Purpose.** Overlay districts establish regulations in addition to the applicable regulations of an existing (underlying) zoning district that either supplement or replace those existing regulations. The overlay districts are applied in specific locations based on commonalities that transcend individual zoning districts such as: environmental features, historic assets, traffic conditions, or other shared characteristics of an area, regardless of the zoning designation.
- B. **Scope.** Several overlay districts are established, as described in this article, to address the varied and unique needs of specific locations within the town. The boundaries of these districts shall be as described and as shown on the zoning map. The requirements of this article are in addition to and shall supplement those imposed on the same lands by any underlying zoning provisions of this ordinance or other ordinances of Fort Mill. These regulations supersede all conflicting regulations of the underlying zoning districts to the extent of such conflict, unless otherwise specified.

## Section 7.2 COD and COD-N, Corridor Overlay Districts

---

- A. **Purpose.** This corridor overlay district is established for the purpose of maintaining a safe, efficient, functional and attractive roadway corridor for the Fort Mill Southern Bypass (the "Bypass") and surrounding areas. It is recognized that, in areas of high visibility, the protection of features that contribute to the character of the area and enhancements to development quality promote economic development and stability in the entire community.
- B. **Applicability.**
1. All land within 500 feet of the outer edge of the right-of-way of the bypass corridor (the "Corridor") shall be subject to the standards and regulations of the COD/COD-N corridor overlay district, unless specifically excluded. Where part of a parcel is within 500 feet of the right-of-way, only that portion of the parcel shall be subject to these regulations.
  2. COD-N refers to land within the corridor overlay district that lies within the areas identified as activity nodes in the adopted Fort Mill Comprehensive Plan and are envisioned to be more urban in nature. Consistent with the characteristics of urbanized areas, these areas are more likely to accommodate a variety of uses in a walkable environment. Therefore, development will be designed to bring buildings closer to the road edge to better define the public space of the streets enhanced by landscaping and pathways and create a scale that is more appropriate for pedestrian traffic. These subareas are subject to standards that are in addition to or serve as alternatives to the standards of the broader corridor overlay district.
  3. A corridor overlay district map is adopted as part of the official Town of Fort Mill zoning map and is incorporated into this section by reference. The boundaries of the COD and COD-N shall be as illustrated in the overlay district map, a copy of which shall be maintained on file with the administrator and town clerk.
  4. The requirements of the COD and COD-N shall apply only to parcels located within the corporate limits of the Town of Fort Mill. Any unincorporated parcels within the boundaries of the COD and COD-N at the effective date of this ordinance [\*\*\*] shall become subject to the requirements of this section only upon the annexation into the Town of Fort Mill.
  5. The standards established in this section shall be applied to all new residential and non-residential development within the boundaries of the overlay district, with the following exceptions:
    - a. Single-family residential development shall be subject only to the following standards:

- i. The minimum setback requirements under dimensional requirements,
    - ii. The orientation requirements under building design,
    - iii. The applicable requirements under screening, and
    - iv. The applicable requirements under driveways on corridor.
  - b. In new single-family residential subdivisions, the standards pertaining to streetscape and pedestrian pathways shall also apply.
  - c. Any development that is covered by a development agreement between the town and the developer, provided such development agreement was adopted prior to the effective date of this section [\*\*\*], prepared consistent with the provisions of Chapter 31 of the South Carolina Code of Laws and is still in force.
  - d. Existing development shall not be subject to these standards; provided, expansions of existing nonresidential development resulting in an increase of 10 percent or more in building or lot area shall be subject to certain standards, as indicated in this section.
6. Where more than 50 percent of the footprint of a proposed building lies with the corridor overlay district, all portions of that building shall be subject to the building design standards of subsection F.
7. Excluding building height regulations, if the requirements of the underlying zoning district are more restrictive, those requirements shall apply. Refer to *Table 7-2a*.
- C. **Permitted Uses.** All permitted, special and conditional uses of the underlying zoning district are allowed, subject to the specific requirements and procedures for each use classification, except as follows.
- D. **Prohibited Uses.** Notwithstanding the provisions of the underlying zoning district, the following uses shall not be permitted within the COD/COD-N overlay:
- 1. Automobile rental and sales.
  - 2. Automotive wrecker service.
  - 3. Bingo halls.
  - 4. Casino or gambling establishment.
  - 5. Check cashing establishments, title loan lenders, deferred presentment lenders, pawnshops, loan brokers, and small loan companies.
  - 6. Communications towers. Where such towers must be permitted per the Telecommunications Act of 1996 and it has been demonstrated that no existing towers or structures (such as rooftops, water towers, etc.) can accommodate such equipment, the towers shall not exceed 100 feet in height. To the extent practicable, they shall be roof-mounted, not freestanding, structures.
  - 7. Industrial or heavy manufacturing uses (prohibited in COD-N only).
  - 8. Junk or salvage yards.
  - 9. Mobile homes.
  - 10. Sexually-oriented businesses.
  - 11. Sweepstakes cafes.
  - 12. Tattoo facilities.
- E. **Dimensional Requirements.** The dimensional requirements shall be the same as those of the underlying zoning district, except as follows:
- 1. Building setbacks.
    - a. Along the corridor, the setbacks specified in Table 7-2 shall apply. Building setbacks, measured from the right-of-way of the corridor, shall be as follows:

**Table 7-2, Dimensional Requirements in COD and COD-N**

Overlay	Minimum Building Front Setback (ft.)
---------	--------------------------------------

COD-N	35 feet
COD	50 or 100 feet (landscaped buffer requirements vary) <sup>1</sup>

<sup>1</sup> The minimum setback in COD shall be reduced in cases where the setback area exceeds 40 percent of the acreage of a parcel already in existence on the effective date of this section. The width of the setback area shall be reduced to the extent necessary (up to a 15-foot reduction) in order that the buffer shall not exceed 40 percent of the parcel. No setback shall be less than 35 feet.

b. No development shall be allowed in the front setback, except the following:

- i. Drainage features designed to mimic the natural environment;
- ii. Driveways;
- iii. Landscaping;
- iv. Lighting;
- v. Parks and park-like amenities (not including athletic fields or facilities);
- vi. Public utilities (limited to lines and other equipment);
- vii. Retaining wall(s) up to ten feet in height (refer to **Subsection Q.2**);
- viii. Pathways, pedestrian ways, or bikeways;
- ix. Signs, subject to **Subsection N**; and
- x. Streetscape elements.

2. **Building height.**

a. Subject to Table 6-2a, the minimum and maximum building heights shall be as follows:

<b>Table 7-2a, Building Height Requirements</b>		
Area	Minimum Building Height (ft.)	Maximum Building Height (ft.)
COD-N	20	45 or underlying district, whichever is higher
COD	NA	Same as underlying district

- b. Maximum and minimum building heights shall be measured as set forth in the definitions for "height of building, maximum," and "height of building, minimum."
- c. Buildings less than 2,500 square feet shall not be subject to the minimum height requirements; provided, some portion of the structure's roofline shall be articulated in a manner that achieves the minimum height.
- d. Height may be above the maximum specified; provided, all portions of the structure exceeding the maximum height limit shall be stepped back an additional one (1) foot from the adjoining property line for each additional foot in excess of the maximum height. In no case, however, shall the maximum height **exceed 60 feet in the COD-N overlay or 45 feet in the COD overlay.**

F. **Building Design.** All buildings in the corridor overlay district shall comply with the requirements below.

1. **Orientation.**

- a. Except as provided below in Subsection F.1.b., the rear facades of buildings shall not be visible from the corridor. Rear facades shall be oriented away from view from the corridor or screened by landscaped buffers that meet or exceed the requirements for landscaped buffers in Subsection H.
- b. In COD-N, buildings shall be oriented toward the public street(s).

- i. Pedestrian access from the street is encouraged for all multi-family residential and nonresidential uses. Therefore, primary entrances shall be visible and accessible from the public street, where feasible. Where parking is provided at the rear of the building, the primary entrance may be located to provide access from such parking. Two primary entrances, one from the street and one from the rear parking area, are permitted.
    - ii. Loading areas of buildings shall not be visible from the corridor. Loading areas shall be oriented away from view from the corridor or shall be screened per the requirements in **Subsection I.2.**
  - 2. Architectural features/façade treatments.
    - a. Materials.
      - i. Buildings shall be designed to use building materials such as rock, stone, brick, stucco, concrete, wood or Hardiplank.
      - ii. No mirrored glass shall be permitted on any facades in COD-N, and mirrored glass with a reflectance no greater than 20 percent shall be permitted in COD.
      - iii. Corrugated metal shall not be used on any facade.
      - iv. In COD-N, variations in the rooflines and facades of adjacent buildings shall be encouraged to avoid monotony.
      - v. In COD-N, any nonresidential façade facing the corridor or any other street shall be articulated with architectural features and treatments, such as windows, awnings, scoring, trim, and changes in materials (i.e., stone "water table" base with stucco above), to enhance the quality of the pedestrian environment of the public street, particularly in the absence of a primary entrance.
- G. **Streetscape.** All trees planted in accordance with the requirements of this section shall be trees approved by the town, per the approved tree species list provided in **Section 38-71** of the Code of Ordinances. Existing *protected trees*, as provided in **Section 11.7** of this ordinance, may count toward the requirements of this subsection.
  - 1. COD-N.
    - a. Street trees shall consist of canopy trees planted within the streetscape zone (the first 15 feet of the setback closest to the corridor) at a rate of one (1) tree per 50 linear feet along all corridor frontages. Tree spacing shall be not more than 60 feet and not less than 40 feet on center. At planting, street trees shall be a minimum of two (2) inch *caliper* or eight (8) feet in height. Tree placement shall comply with SCDOT safety requirements.
    - b. All new development or expansions of existing development resulting in a minimum 10 percent increase in building area or lot size shall provide landscaping within the required front setback in accordance with the following requirements. For purposes of this subsection, the planting area shall be determined by multiplying the lot frontage, less driveways, times the minimum required setback width to determine required planting area.
      - i. Trees:
        - (a) For every 2,500 square feet of planting area, a minimum of two (2) trees shall be planted.
        - (b) At least 50 percent of the trees planted to meet this requirement shall be canopy trees. At planting, required trees shall be a minimum of two (2) inch caliper, and shall have a mature height of at least 35 feet.
        - (c) Street trees planted in this area shall be counted toward the minimum tree planting requirements.

## ii. Shrubs:

- (a) For every 2,500 square feet of planting area, a minimum of 10 shrubs shall be planted.
- (b) At least 50 percent of the shrubs planted shall be evergreen.

2. COD.

- a. Existing protected trees within 50 feet of the right-of-way of the corridor shall be retained, in accordance with Section 11.7.
- b. If the 50 foot minimum setback is utilized, a landscaped buffer shall be provided within the setback in accordance with the landscaped buffer requirements in Subsection H for 50-foot buffers. Tree placement shall comply with SCDOT safety requirements.
- c. If the 100 foot minimum setback is utilized, a landscaped buffer shall be provided within the setback in accordance with the landscaped buffer requirements in Subsection H for 20-foot buffers. Tree placement shall comply with SCDOT safety requirements.
- d. Street trees shall not be required along corridor frontages outside of COD-N. However, if such trees are provided, street trees shall be located only in areas where there is no existing vegetation to be preserved. Canopy trees may be combined with understory trees and may be uniformly spaced or clustered. However, canopy trees shall not be less than 40 feet on center. All tree placement shall comply with SCDOT safety requirements.

H. **Buffers.**

## 1. Any required landscaped buffers shall meet the following requirements:

- a. A landscaped buffer shall be a natural, undisturbed wooded area where possible, provided it meets the intent of this buffer requirement. Where existing natural, undisturbed vegetation does not exist or is not sufficient to achieve intended separation and screening of uses, a planted buffer shall be provided.
- b. A planted landscaped buffer shall meet or exceed the following standards:

Table 7-2 b, Buffer Requirements				
Lot size	Min. buffer width, measured from the property boundary (or right-of-way)	Min. landscaping to be provided within required buffer per 100 linear feet	Min. buffer width if min. 6' opaque fence or wall is installed	Min. landscaping if min. 6' opaque fence or wall is installed
Lots < 5 acres	20'	three (3) canopy trees, six (6) understory trees, nine (9) shrubs	15'	two (2) canopy trees, four (4) understory trees, six (6) shrubs
Lots 5 - 10 acres	35'	five (5) canopy trees, ten (10) understory trees, fifteen (15) shrubs	25'	four (4) canopy trees, eight (8) understory trees, twelve (12) shrubs
Lots > 10 acres	50'	five (5) canopy trees, ten (10) understory trees, twenty (20) shrubs	35'	four (4) canopy trees, eight (8) understory trees, sixteen (16) shrubs

- c. Existing *protected trees*, as provided in Section 11.7 of this ordinance, may count toward the requirements of this subsection.



- d. Trees planted to satisfy a landscaped buffer requirement shall be a minimum of two (2) inch caliper or eight (8) feet in height.

**I. Buffers and Screening.**

1. Buffers shall be provided, as applicable, in accordance with the requirements of Section 11.2 of this ordinance.
2. All loading areas and service areas shall be screened from view from the corridor in accordance with **Section 11.3**.
3. All rear facades of single family dwellings visible from the corridor shall be screened from view from the corridor with a landscaped buffer, meeting the **level C requirements specified in Table 11-2a**.
4. All off-street parking areas shall be screened from view from the corridor with a minimum of one row of evergreen shrubs. Such shrubs shall be planted not more than five (5) feet on center and shall be at least three (3) feet in height at time of planting. This requirement applies to new development as well as expansions of existing development resulting in a minimum 10 percent increase in building area or lot area. Such shrubs may be counted toward any setback landscaping requirements for parcels in COD-N.

- J. Lighting standards.** Lighting shall be installed within the streetscape zone (the first 15 feet of the front setback along the corridor) in COD-N in accordance with the fixture spacing, height, color and type requirements specified in the lighting plan (or streetscape plan that includes a lighting plan) adopted by the town for that COD-N segment of the corridor, **if such plan exists**. Fixtures shall be installed to provide adequate lighting of pedestrian pathways. All other lighting standards of **section \*\*\* shall apply**.

**K. Pedestrian pathways.**

1. Pedestrian pathways shall be provided in the COD district in accordance with the following requirements:
  - a. Pedestrian pathways at least eight (8) feet in width shall be provided along all sides of lots that abut public roads. Pedestrian pathways may be parallel to such roads or meandering to allow for street trees between the pathways and the road, to avoid existing vegetation and to address topographic relief.
  - b. Continuous pedestrian pathways, not less than eight (8) feet in width, shall be provided from the pedestrian pathways along public roads to the principal entrance of nonresidential uses and the primary entrance of multi-family buildings. At a minimum, pedestrian pathways shall connect areas of pedestrian activity such as, but not limited to, road crossings, parking areas, and building entry points.
  - c. No pedestrian pathway shall be closer than eight (8) feet to the back of curb or edge of pavement of a public road, except at designated crosswalk locations. All pedestrian pathways constructed in accordance with the above provisions shall be constructed by the developer. Maintenance shall be the responsibility of the property owner unless the town or SCDOT has accepted maintenance responsibilities in conjunction with the dedication by the developer or property owner of a right-of-way or an easement encompassing the pathway. All pedestrian pathways shall be constructed of concrete, concrete pavers, brick or a combination of such materials in accordance with the sidewalk standards of SCDOT's Standard Specifications for Highway Construction (and applicable town standards), and shall meet ADA requirements.
  - d. With town approval, the developer may pay fees in lieu of constructing a required pedestrian pathway. This alternative means of providing a pathway shall be considered when the timing of development warrants a delay in pathway construction (i.e., planned off-site construction would result in the demolition of a newly constructed sidewalk, a pedestrian connection between two adjoining parcels requires a pedestrian bridge, or the construction of a pedestrian pathway requires coordination with a county or SCDOT construction project).

2. Pedestrian pathways in the COD-N shall be subject to the following requirements in addition to those of **Subsection I**:
  - a. Pedestrian pathways at least eight (8) feet in width shall be provided along the corridor within 15 feet of the right-of-way and all sides of lots that abut public roads. Pedestrian pathways may be parallel to such roads or meandering to allow for street trees between the pathways and the road, to allow existing vegetation to be preserved, or to address topographic issues.
  - b. No pedestrian pathway shall be closer than eight (8) feet to the back of curb or edge of pavement of a public road, except at designated crosswalk locations. However, pavement between the pedestrian pathway and the back of curb shall be permitted as an alternative to a planting strip, provided street trees in this area are installed using tree grates.
  - c. All pedestrian pathways constructed along the corridor shall extend to the side property lines so that such pathways can be continued on the adjoining parcels in physically feasible locations as development occurs.
  - d. If a pedestrian pathway has been constructed along the corridor on an adjoining property, and such pathway has been terminated at the common property line, the developing parcel shall construct a pedestrian pathway along the corridor in a manner that connects it to the existing pathway, thereby creating a continuous pedestrian pathway along the corridor.
  - e. To facilitate internal pedestrian circulation in multi-family and nonresidential developments, pathways no less than eight (8) feet in width shall be provided along any nonresidential facade featuring a customer entrance, and along any facade abutting public parking areas. Additional pathway width shall be provided, as needed, in non-residential development to accommodate outdoor seating areas adjacent to restaurants to maintain an eight (8) foot wide clear pedestrian circulation area.
  - f. Internal pedestrian pathways constructed in multi-family and nonresidential developments shall extend to the property lines in a manner that:
    - i. Connects to the existing pedestrian pathways on an adjoining developed parcel where such existing pathways have been stubbed out at the common property line; or
    - ii. Facilitates the future continuation of such internal pathways into adjoining parcels in physically feasible locations as development on adjoining parcels occurs.
  - g. Pedestrian pathways and crosswalks in parking areas shall be distinguished from asphalt driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the pathways.

**L. Driveways on Corridor.**

1. All driveways and public road intersections shall be subject to the standards and permitting processes of SCDOT.
2. Any parcel of land with frontage on a corridor shall have no more than one vehicular access point (driveway) connecting to the corridor, unless a traffic analysis demonstrates to the town council the need for an additional driveway due to potentially hazardous traffic conditions, and SCDOT Department of Highways and Public Transportation agrees that an additional driveway is needed.
3. No driveway shall be allowed within 400 feet of an intersection of any other public road on the corridor.
4. Driveways shall be a minimum of 400 feet apart (measured from nearest edge to nearest edge) on the corridor, and shall align with opposing driveways, where possible. If direct alignment is not feasible, opposing driveways shall be off-set a minimum of 250 feet.
5. Shared driveways, or parallel access roads (in COD only), shall be used when possible as a means of minimizing driveway openings along the corridor and providing connectivity between uses. When such alternate access methods are used, appropriate legal documents shall be required by the town prior to driveway permit issuance to ensure that necessary easements and maintenance



agreements are in place. The location and dimensions of easements shall be determined by the property owners in coordination with town staff.

6. If access to a lot or legally created parcel of land is physically unattainable under these provisions, an access point may be approved which is located the greatest distance possible from an existing access point and in the safest possible location to be approved by SCDOT.
7. For the purpose of this section, adjacent parcels in common ownership fronting on the corridor shall be considered as one parcel when determining permitted driveways.
8. Access to adjacent nonresidential development:
  - a. Where feasible, driveway connections between adjacent nonresidential developments shall be provided and clearly identified. All driveway connections shall be constructed and stubbed, and future development of adjacent property shall complete a connection to any existing stub.
  - b. Access easements shall be required to ensure outparcels or adjacent developments have adequate access if ownership patterns change.
  - c. The decision making body with review authority (staff or planning commission) may waive the requirement for a driveway connection in those cases where unusual topography or site conditions would render such an easement of no benefit to adjoining properties.
  - d. The decision making body with review authority (staff or planning commission) may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.

#### M. **Parking.**

1. Off-street parking.
  - a. All off-street parking shall be provided in accordance with the off-street parking requirements set forth in **Article X**.
  - b. Off-street parking in the district shall be located to the side or rear of the structure(s) located nearest to the public road(s), to the extent practicable. Where parking is located between a structure and the corridor, it shall be limited to one bay of parking (i.e., two rows of parking spaces with one shared drive aisle between the rows of spaces).
  - c. All off-street parking areas shall be screened in accordance with the screening requirements of **Subsection I.4**.
  - d. Landscaping in off-street parking lots shall meet the requirements of the landscaping standards of **Article XI**.
2. Shared parking. Shared parking is allowed and encouraged in circumstances where the parking would be within 600 feet of each respective use.
  - a. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the administrator that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by or acceptable to the administrator. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
  - b. A shared parking plan shall be enforced through written agreement among all owners of record and included in the development agreements filed with the town. The owner of the shared parking area shall enter into a written agreement with the Town of Fort Mill with enforcement running to the town. The agreement shall state that:

- i. the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and
  - ii. the owner agrees to bear the expense of recording the agreement which shall bind his or her heirs, successors, and assigns.
3. Bicycle parking. In addition to off-street vehicular parking requirements, the following bicycle parking requirements shall be met for nonresidential and multi-family residential uses:
  - a. Bicycle parking shall be provided in an amount equal to five (5) percent of the minimum required off-street parking spaces for vehicles; but no fewer than two (2) spaces shall be provided.
  - b. Such parking shall be located in close proximity to the primary entrances used by customers, visitors, or residents.
  - c. Bicycle parking areas shall be designed to utilize bike racks installed on paved surfaces.
  - d. Bicycle parking areas and pathways connecting them to the buildings they serve shall be lighted for the safety of the cyclists and to discourage theft.
  - e. Bicycle parking shall be encouraged, though not required, if the entire development has a gross floor area of 5,000 square feet or less.
  - f. Shared bicycle parking for two (2) or more uses is permitted provided an attested copy of the agreement between the owners of record is submitted to the administrator in a recordable form acceptable to the town attorney.
4. On-street parking.
  - a. No on-street parking shall be located on the corridor.
  - b. In COD-N, where on-street parking is available or provided as part of the development, on-street parking spaces may account for up to 50 percent of the required spaces, provided:
    - i. A key map is provided that delineates the location of allocated on-street spaces for a designated parcel or use.
    - ii. The on-street parking must be located within 600 feet of the primary entrance of the use it is serving.
    - iii. On-street parallel parking spaces shall be 7' × 22' measured from the face of curb (or edge of pavement, if curb does not exist).
    - iv. On-street diagonal parking with a 60-degree angle or less shall have a minimum travel lane width of 11 feet.

## N. Signs.

1. Freestanding signs.
  - a. Freestanding identification signs for nonresidential and multi-family uses are permitted along the corridor in accordance with the following standards, which shall supersede the standards of the underlying zoning district for freestanding signs:
    - i. No parcel with less than 50 feet of frontage on the corridor shall be permitted to have a freestanding sign. Wall-mounted signs shall be permitted in such instances.
    - ii. Parcels with 50 to 200 feet of frontage on the corridor may be permitted to have one (1) freestanding sign.
      - (a) Maximum height: four (4) feet.
      - (b) Maximum sign face area: 0.5 square feet per two (2) linear feet of frontage, up to a maximum sign area of 30 square feet.
      - (c) Minimum setback from right-of-way: 10 feet.

- iii. Parcels with more than 200 feet of frontage on the corridor may be permitted to have one
    - (1) free standing sign meeting the following standards.
      - (a) Maximum height: six (6) feet.
      - (b) Maximum sign face area: 50 square feet.
      - (c) Minimum setback from ROW: 10 feet.
  - iv. Special provisions for unified developments:
    - (a) **Unified developments** consisting of multiple, nonresidential buildings and tenants may have one (1) freestanding sign on the corridor meeting the following standards:
      - (i) Maximum height: 10 feet in height above the grade of the frontage street. The sign shall be a monument type sign mounted on a solid foundation base. Pole signs shall not be permitted, except as specifically provided in *Subsection c.* below.
      - (ii) Maximum sign face area: 75 square feet per side.
      - (iii) Minimum setback from ROW: 10 feet.
    - (b) Separate freestanding signs identifying individual tenants or establishments shall not be permitted in conjunction with the unified development sign.
  - b. Internally lit signs, neon, LED, and flashing or moving signs shall not be permitted along the corridor; provided, up to 20 percent of the total sign face may be utilized for LED display of public service messages such as time, temperature, or gas prices. The display for such LED sign shall not contain any movement, scrolling, flashing, exploding or similar special effects; message transition shall be instantaneous and each message shall be displayed for no less than 10 seconds.
  - c. Building floodlighting shall not be permitted, except in COD-N.
  - d. Only parcels that lie wholly or in part within 150 feet of the Interstate-77 right-of-way shall be permitted to utilize pole signs, per **Section 12. \*\*\***. Pole signs shall be prohibited on all other parcels along the corridor not meeting this requirement.
  - e. All other applicable sign standards pertaining to freestanding signs per Article XII shall apply along non-corridor street frontages.
- 2. Wall mounted signs. Wall mounted signs shall be permitted per **Section 12.\*\*\***.
- 3. Temporary signs. Temporary signs permitted shall not be permitted within the overlay district.
- O. **Traffic signals**. In locations where town and SCDOT signal warrants are met and to the extent practicable, new traffic signals shall only be installed using steel poles with mast arm. Such poles shall meet the standards set forth in 690.1 of the SCDOT Traffic Signals Supplemental Specifications, and style and finish shall be consistent with the black, decorative mast arms approved by the town and installed elsewhere within the municipal limits.
- P. **Utilities**. To the extent practicable, all new utility lines shall be placed underground in accordance with the standards established by the utility. Where burying lines is deemed infeasible by good engineering practices, at a minimum, all tap lines from the main feeder shall be underground, and above-ground lines and supporting structures shall be located in a manner that screens them from public view. Such above-ground lines and supporting structures may be in easements outside of the road rights-of-way, for example, such that lines and structures are visually screened by street trees, vegetated buffers or buildings. Any visible, above-ground lines permitted by the town as a temporary measure shall be permitted in conjunction with an agreement that specifies a timeframe for permanently placing such lines underground or moving such lines to a location where they can be screened from public view. At its sole discretion, the town engineer may require a performance guarantee, in accordance with Section \*\*\*, to ensure the prompt completion of the underground installation.
- Q. **Walls and fences**.

1. Site enclosures.

- a. Fences and walls shall be limited to a maximum height of six (6) feet for rear and side yards and cannot extend beyond the principal structure into the front yard.
- b. Front yard fences and walls shall not exceed four (4) feet in height and must be approved by the administrator.
- c. Fences and walls shall not be located in any right-of-way.
- d. On corner lots, fences shall not be higher than four (4) feet in the street side yard and the provisions of **Section \*\*\*** regarding clear vision corners shall be met. The interior side and rear fence shall conform to the above standards.

2. Retaining walls. Retaining walls located within the front setback area shall not exceed four (4) feet in height, measured from the finished elevation at the base of the wall to the top of the wall cap, unless each two (2) feet of wall above four (4) feet is recessed at least two (2) feet to minimize the massing of the wall and provide visual relief along the corridor. In no case, however, shall a retaining wall exceed 12 feet in height.

3. Construction, finishes and maintenance.

- a. Fences and walls shall be constructed with quality material and workmanship and be maintained in good repair.
- b. The material(s), color(s) and texture(s) of the sides of the walls and fences visible from the corridor or any other public or private street shall complement the finishes of the structures of the associated development. Materials must be approved by the decision making body with review authority (staff or planning commission). Barbed wire, concertina wire, razor wire, chain link or poultry wire are strictly prohibited.
- c. The finished side of fences and walls shall face adjoining property and shall blend with the landscape.

**R. Alternative means of compliance.**

1. Strict interpretation and application of the standards of this section may create particular hardships in certain locations and situations. Examples may include, but are not limited to, the presence of any one or more of the following:
  - a. Unusual or extreme topographic conditions or separations in grade;
  - b. Water bodies, such as rivers, lakes, streams, marshes and wetlands, as well as floodplains, floodways, riparian buffers and conservation areas;
  - c. Presence of protected trees;
  - d. Irregular property configuration and/or dimensions, including lots that are extremely narrow or shallow in nature;
  - e. Existing easements and rights-of-way (public or private) that limit or restrict ordinary development of the property;
  - f. Public safety hazards, particularly, though not exclusively, related to ingress/egress locations;
  - g. Wildlife habitats and/or endangered species;
  - h. Sites and/or structures of archaeological and/or historical significance; and
  - i. Existing development which is proposed for retrofitting or expansion.
2. The decision making body with review authority (staff or planning commission) may approve a proposed development plan which does not meet a specific standard or standards of this section as an alternate means of compliance, subject to making the following findings:
  - a. The proposed modification of the development standard will provide an alternate, but acceptable, means of achieving the purpose of the overlay district;
  - b. There are physical conditions, not economic considerations, which prevent the proposed development from meeting the specific standards of this section;

- c. The proposed development will be designed to meet the standards of this section to the fullest extent possible; and
  - d. The proposed development plan maintains or enhances public safety and aesthetic values along the corridor.
3. In approving an alternate means of compliance, the reviewing authority may attach reasonable conditions regarding the location, character, or other features of the proposed building, structure, or use as the reviewing authority may consider advisable to protect established property values in the surrounding area, maintain the character of the corridor, or promote the public health, safety, or general welfare.
4. Should the reviewing authority (staff or planning commission) fail to approve an applicant's proposed alternate means of compliance, the applicant may appeal that decision to the board of zoning appeals. Appeals shall be subject to review and approval by the board of zoning appeals, pursuant to **Article XVIII of this ordinance, and Section 6-29-800 of the SC Code of Laws.**
5. In no instance may staff, the planning commission or board of zoning appeals approve an alternative means of compliance, the effect of which would be to allow the establishment of a use not otherwise permitted in either the underlying zoning district or the corridor overlay district; to extend physically a nonconforming use of land; or to change the zoning district boundaries shown on the official zoning map.

**S. Waivers.**

1. The administrator shall be authorized to grant a waiver from the any requirements of the COD/COD-N overlay district for any parcel that meets all of the following criteria:
  - a. At least 25 percent of the parcel must be located outside of the corridor overlay district, as established in subsection 2.A).
  - b. The property shall have frontage along another public right-of-way other than or in addition to the corridor.
  - c. All portions of the property within 250 feet of the corridor right-of-way must be undevelopable due to one or more of the following:
    - i. Presence of floodplain, floodway and/or wetland designation; or
    - ii. Documentation of a recorded conservation easement.
2. Any applicant who meets the conditions established by this subsection may apply for a waiver from the requirements of the COD/COD-N overlay district. The waiver request shall be made on an application form provided by the administrator. The administrator shall be authorized to charge an administrative review fee of \$100.00 for each application. The application shall not be considered complete until the applicant provides all information required on the application form and pays the required application fee. A separate waiver application form shall be required for each parcel.
3. The administrator shall have 30 days from the date upon which a completed application is received to render a decision on the waiver request. Any parcel which meets the eligibility requirements of this subsection shall be granted a waiver. If a decision is not made within 30 days, the waiver application shall be deemed approved.
4. All waivers granted by the administrator shall be subject to the following conditions:
  - a. All proposed development and land disturbing activities shall be at least 250 feet from the corridor right-of-way.
  - b. The parcel shall have no ingress or egress to or from the corridor right-of-way.
  - c. All portions of the property within 250 feet of the corridor right-of-way shall be left in a natural, undisturbed state, except to accommodate a pedestrian facility connection, where feasible, between the two parcels on either side where such connection is not located within the corridor right-of-way.



- d. The parcel shall not be enlarged due to recombination or subdivided into two or more parcels during the waiver period.
5. Waivers granted by the administrator shall expire upon the earlier of the following; provided, nothing in this paragraph is intended to limit a property owner's ability to apply for a new waiver upon expiration of an existing waiver, regardless of cause. A new or existing parcel may qualify for a new waiver if the parcel meets the requirements of paragraph a. Subsequent waiver requests for new or existing parcels shall follow the same procedures outlined in paragraphs b and c and, if granted, shall be subject to the same conditions contained within paragraph d.:
  - a. If the property owner or his designee fails to obtain a building permit within one (1) year from the date the waiver is granted.
  - b. If the parcel is enlarged due to recombination with all or part of one (1) or more adjacent parcels.
  - c. If the parcel is subdivided into two (2) or more parcels.
6. All waivers granted by the administrator shall apply to the subject parcel and not the applicant. If an applicant shall sell or otherwise transfer the subject parcel to one or more subsequent owners after a waiver has been granted, the subsequent owner(s) need not apply for a new waiver, unless the waiver has expired per the provisions of paragraph E). Subsequent owners shall be subject to the same conditions as the original applicant, as outlined in paragraph D).
7. Any aggrieved party may appeal the decision of the administrator within 60 days following the date of approval or denial of a waiver request. The board of zoning appeals shall have the authority to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by the administrator in the enforcement of this subsection. All appeals shall be reviewed by the board of zoning appeals, pursuant to **Article XVIII of this ordinance, and Section 6-29-800 of the SC Code of Laws.**

### Section 7.3 HPOD, Historic Preservation Overlay District

- A. **Purpose.** This overlay district is established to protect the rich historic resources that contribute to the character of Fort Mill and comprise the early chapters of its past. By encouraging a general harmony of style, form, color, proportion, texture, and material between buildings of historic design and those of contemporary design, it will be possible for the town's historic landmarks and traditional districts to remain distinctive and to serve as visible reminders of the significant historical and cultural heritage of the Town of Fort Mill and the State of South Carolina. Specifically, the following purposes are embodied by these regulations:
  1. To protect, preserve, and enhance Fort Mill's distinctive architectural heritage;
  2. To promote the educational, cultural, economic, and general welfare of the community;
  3. To foster civic pride;
  4. To ensure harmonious, orderly, and efficient growth and development of the Town of Fort Mill;
  5. To strengthen the local economy; and
  6. To stabilize and improve property values.
- B. **Applicability.**
  1. A historic preservation overlay district map is adopted as part of the official Town of Fort Mill zoning map and is incorporated into this section by reference. The boundaries of the HPOD shall be as illustrated in the overlay district map, a copy of which shall be maintained on file with the administrator and town clerk.
  2. The requirements of the HPOD shall apply only to parcels located within the corporate limits of the Town of Fort Mill.



3. The standards established in this section shall be applied to all existing and new residential and non-residential buildings within the boundaries of the overlay district, including building additions and exterior alterations.
  4. Where more than 50 percent of the footprint of an existing or proposed building lies within the historic preservation overlay district, all portions of that building shall be subject to the requirements of the district.
  5. The requirements of this district shall be in addition to the applicable requirements of the underlying zoning district.
- C. **Permitted Uses.** All uses permitted in the underlying zoning district shall be permitted within the overlay district.
- D. **Dimensional Requirements.** The requirements of the underlying district related to lot size, width, setbacks, height or other dimensional provisions regulating the area and bulk of structures shall apply within the overlay district to the extent that they are not inconsistent with the review criteria established in Section 6.3H. 3. and 4.
- E. **Maintenance and Repair.** Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior feature of structures within this overlay district; provided, the maintenance or repair does not involve a change in design, material, color or outer appearance. This section shall not prevent the construction, reconstruction, alteration or demolition of any feature which the building inspector or comparable official certifies is necessary to protect the public safety because of an unsafe or dangerous condition.
- F. **Project Reviews.** Exterior alterations to existing buildings, construction of new buildings, additions to existing buildings or demolition of all or a portion of an existing building located within the Historic Preservation Overlay District shall be subject to review and approval, in accordance with the requirements of this section.
- G. **Certificate of Appropriateness.**
1. General. Prior to any demolition, new construction, alteration, modification, or addition to a building included within the Historic Preservation Overlay District, a certificate of appropriateness from the historic resources board (HRB) shall be required. A certificate of appropriateness shall be obtained prior to the issuance of a building permit for any property affected by this section. Any building permit or other permit not issued in conformity with this section shall be considered void. Application for a certificate of appropriateness must be made by the property owner or by authorized representative or agent.
  2. Interior alterations to structures. Any remodeling or alteration to the interior of a structure within the Historic Preservation Overlay District shall be exempt from review by the HRB and shall not be subject to the requirements of this section; provided, all changes are confined to the interior of the structure and do not result in any exterior modification.
  3. Requirements of municipality and public utilities. The Town of Fort Mill and all public utility companies shall be required to obtain approval from the HRB, in accordance with this section, prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures, and buildings on property within the Historic Preservation Overlay District.
  4. Contents of application. The HRB shall establish, in its rules of procedure, the data and information reasonably necessary to be provided in the application. The applicant shall also submit an application fee, the amount of which shall be as established by the town council. An application for a certificate of appropriateness shall not be considered complete until all required data and the application fee have been submitted. Nothing shall keep the applicant from filing other relevant information bearing on the request with the application.
  5. Notification of affected property owners. Prior to issuance or denial of a certificate of appropriateness, the HRB shall cause notice to be provided in writing to owners of any property likely to be materially affected by the application, and shall give that applicant and such owners

an opportunity to be heard. At a minimum, written notice shall be given to owners of all property within 200 feet of the property which is the subject of the application.

6. HRB action. The HRB shall take action to approve, approve with modifications or disapprove the application and in doing so shall apply the review criteria in Section 6.3 H of this ordinance. In making its decision, the HRB shall make findings of fact based on conformance with the review criteria.
7. HRB findings in minutes. The HRB shall place in the minutes of its meetings the findings of fact supporting its actions to approve, approve with modifications, or deny.
8. Time limits. Except as otherwise stated in this section, if the HRB fails to take final action upon any application within 60 days after the complete application is submitted, the application shall be deemed approved.
9. Submission of a new application. If the HRB determines that a certificate of appropriateness shall not be issued, a new application affecting the same property may not be submitted within 12 months of the date of denial, unless substantial change is made to the plans for the proposed construction, reconstruction, alteration, or restoration.
10. Minor projects. The rules of procedure adopted by the HRB shall contain a provision by which projects involving minor repairs and alterations may be issued a certificate of appropriateness at one (1) review session based upon preliminary drawings and other data sufficiently clear and explicit. In the event that the information presented indicates alterations, remodeling, or repairs will not change the exterior appearance of the property, the administrator may exempt the application from the provisions of this ordinance.
11. Substantial hardship. In the event an application for a certificate of appropriateness is denied, the property owner may apply to the Board of Zoning Appeals for an exception based on the substantial hardship of maintaining the property according to the HRB's guidelines. Substantial hardship is to be considered where there are unusual and compelling circumstances including:
  - a. The property has little or no historic value;
  - b. The property cannot be reasonably maintained in the manner dictated by the ordinance;
  - c. There is no other reasonable means of saving the property from deterioration, or collapse; or
  - d. The property is owned by a nonprofit organization and it is not financially or physically feasible to achieve the charitable purposes of the organization.

#### H. Review Criteria.

1. Architectural or historical significance. It is the intent of this ordinance to insure, Insofar as possible, buildings or structures within this overlay district shall be in harmony with the architectural and historical character of the Town of Fort Mill. In granting a certificate of appropriateness, the HRB shall take into account the architectural or historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.
2. Demolition. No building or structure within the Historic Preservation Overlay District shall be demolished or otherwise removed until the owner has received a certificate of appropriateness from the HRB. The HRB shall act upon the certificate of appropriateness within 180 days from the date the application is accepted; provided, the HRB may extend this period for another 180 days upon finding that the structure is of extreme historical importance to the people and Town of Fort Mill and additional time is required to identify and evaluate preservation options. Within such an extension period, the HRB shall take steps to ascertain what can be done to preserve the subject building such as, but not be limited to, consultation with civic groups, interested citizens, and public boards and agencies. If, at the conclusion of the extension period, the HRB has been unable to determine an adequate alternative to demolition, the certificate of appropriateness shall be granted. If the HRB finds that a building proposed for demolition is of no particular historical

significance or value towards maintaining the historical character of the community or the district, it may issue the certificate of appropriateness in the normal manner.

3. Alteration, repair, or restoration. When considering an application for a certificate of appropriateness for alteration, repair, or restoration, the HRB shall use the following Secretary of the Interior's Standards for Rehabilitation in making its decision to approve, approve with modifications or deny:
  - a. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its original intended purpose.
  - b. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
  - c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
  - d. Changes which have taken place in the course of time are evidence of the history development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
  - e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
  - f. Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visible qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by history, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings.
  - g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken.
  - h. Every reasonable effort should be made to protect and preserve archaeological resources affected by, or adjacent to the property.
  - i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
  - j. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
4. New construction. In considering a certificate of appropriateness application for new construction within a historic district, the HRB shall take into account the following criteria, as applicable. The HRB will make a finding of fact indicating the extent to which the proposed structure is congruous with the historic aspects of the historic district.
  - a. The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
  - b. The setback and placement on a lot of the building in relation to the average setback and placement of the nearest adjacent and opposite buildings.
  - c. Exterior construction materials, including texture and pattern.
  - d. Architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
  - e. Roof shapes, forms, and materials.

- f. Proportion, shape, positioning and location, pattern, and size of any elements of fenestration.
  - g. General form and proportions of buildings and structures.
  - h. Appurtenant fixtures and other features such as lighting.
  - i. Structural conditions and soundness.
  - j. Architectural scale.
- I. **Appeal of a decision of the HRB.** Any persons or any officer, department, or board aggrieved by a final decision of the HRB must follow procedures for appeal as outlined in South Carolina Code of Laws, Section 5-23-340. Pursuant to the South Carolina Code of Laws, Section 5-23-240, no suit shall be brought against the HRB or the Town of Fort Mill, and if against any individual member, shall be dismissed as to such board member.

DRAFT